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A Limited Liability Partnership

Including Professional Corporations

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Attorneys for Defendants,

TESLA, INC. dba TESLA MOTORS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**JOINT STIPULATION RE PLAINTIFFS'
PROPOSED MOTIONS *IN LIMINE* NOS.
4, 6 AND 7; [PROPOSED] ORDER**

Pre-trial Conference: May 11, 2020

Time: 2:00 p.m.

Courtroom: 2, 17th Floor

Judge: Hon. William H. Orrick

Trial Date: June 8, 2020

Complaint filed: October 16, 2017

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:**

Plaintiffs Owen Diaz and Demetric Di-az (“Plaintiffs”), and Defendant Tesla, Inc. (“Defendant”) (collectively, the “Parties”), by and through their attorneys of record, hereby submit this Joint Stipulation re Plaintiff’s Proposed Motions *in Limine* Nos. 4, 6, and 7 in order to prevent the unnecessary use of Court time and resources. Accordingly, the Parties stipulate as follows:

WHEREAS, on March 23, 2020, Plaintiffs sent Defendant their proposed Motions *in Limine* as part of the mandatory exchange of pre-trial documents;

WHEREAS, counsel for Defendant reviewed the motions, which cover eight evidentiary issues Plaintiff would like to exclude;

WHEREAS, after reviewing the proposed motions, Defendant does not intend to affirmatively offer evidence, subject to the below limitations, on the following proposed motions:

1. Motion *in Limine* No. 4 to Exclude Evidence and Testimony Concerning Witness Demetrica Holmes’s Mental Health History;
2. Motion *in Limine* No. 6 to Exclude Evidence and Testimony Concerning Plaintiff Owen Diaz’s Past Criminal Convictions;
3. Motion *in Limine* No. 7 to Exclude Evidence of Plaintiff Owen Diaz’s Past Drug Use;

WHEREAS, Defendant’s representation that it does not affirmatively intend to offer evidence is without prejudice to Defendant’s right to introduce evidence in any of the at-issue proposed motions should Plaintiffs or any of Plaintiffs’ witnesses “open the door” to these issues;

1 **WHEREAS**, the parties assert that entering into this stipulation will save the parties and
2 Court significant time in adjudicating and addressing the pre-trial issues in this matter, and will
3 prevent unnecessary motion practice on issues that are not disputed;

4 **NOW THEREFORE**, it is hereby stipulated by and between Plaintiffs and Defendant,
5 that:

6 (1) Subject to Plaintiff opening the door, Defendant will not affirmatively introduce
7 evidence on the following issues that are subject to Plaintiffs' proposed Motions *in Limine*:

- 8 1. Evidence concerning Demetrica Holmes's past mental health history.
- 9 2. Evidence concerning Owen Diaz's past criminal convictions.
- 10 3. Evidence concerning Owen Diaz's past drug use.

11
12 **IT IS SO STIPULATED.**

13
14 CALIFORNIA CIVIL RIGHTS LAW GROUP
15 ALEXANDER KRAKOW + GLICK LLP
16

17
18 By: /s/ Cimone A. Nunley
19 _____

20 Lawrence A. Organ, Esq.
21 Navruz Organ, Esq.
22 Cimone A. Nunley, Esq.
23 J. Bernard Alexander, Esq.

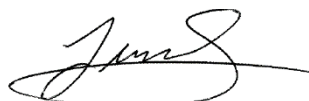
24 *All signatories listed concur in the
25 filing's content and have authorized the
26 filing*

27 Attorneys for Plaintiffs
28 DEMETRIC DI-AZ AND OWEN DIAZ

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

April 1, 2020

Bv _____



TRACEY A. KENNEDY
PATRICIA M. JENG

Attorneys for Defendant
TESLA, INC. dba TESLA MOTORS, INC.

[PROPOSED] ORDER

Based upon the Parties' Stipulation, and good cause having been shown, **IT IS HEREBY ORDERED THAT:**

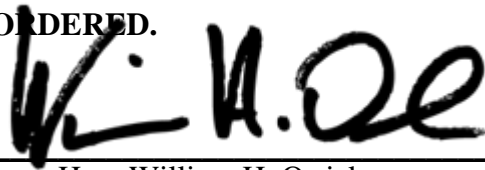
(1) Defendant will not introduce evidence on the following issues that were subject to Plaintiffs' proposed Motions *in Limine*:

1. Evidence concerning Demetrica Holmes' past mental health history.
2. Evidence concerning Owen Diaz's past criminal convictions.
3. Evidence concerning Owen Diaz's past drug use.

(2) This stipulation is made without prejudice to Defendant's right to introduce any of the above-referenced evidence should Plaintiff or any of Plaintiff's witnesses present evidence on these issues or otherwise make them relevant to the trial.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 2, 2020



Hon. William H. Orrick